

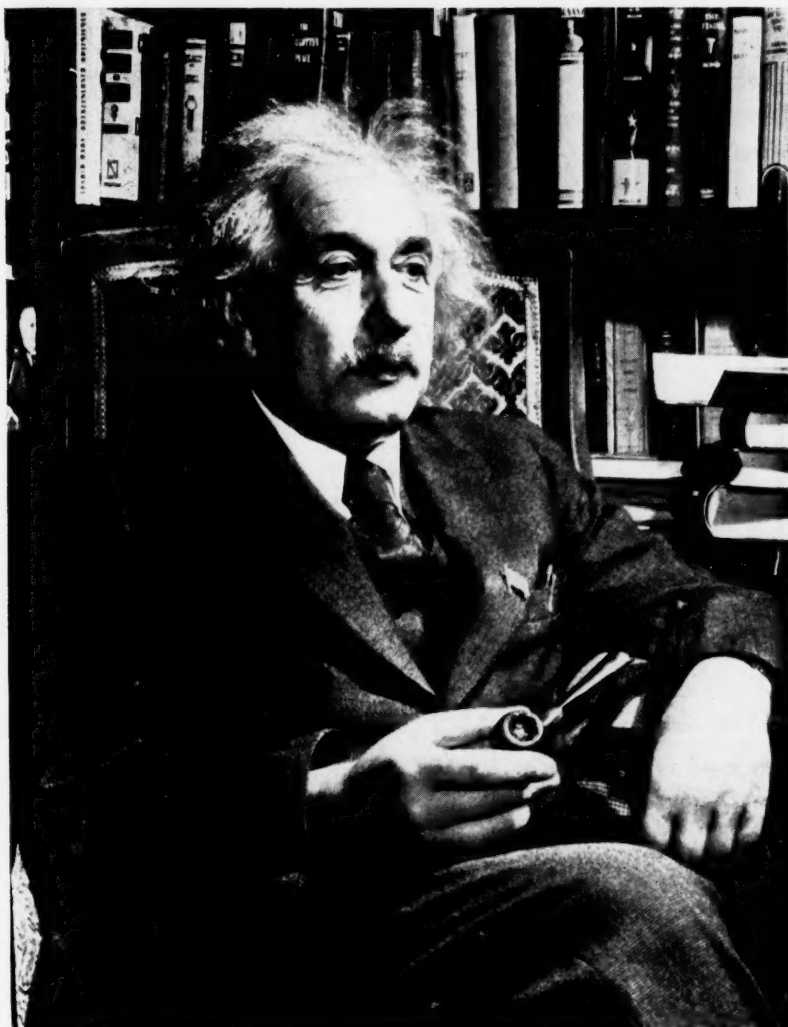
THE **DECALOGUE** JOURNAL

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Number 3



ALBERT EINSTEIN

RECIPIENT OF THE DECALOGUE AWARD, 1953

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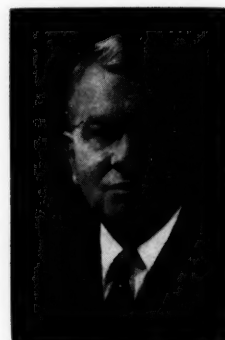
BENJAMIN WEINTROUB, Editor

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Nobel Prize Winner to Address Society on "The Rights of Man"

Professor Harold Clayton Urey, since 1945 distinguished professor of chemistry at the University of Chicago Institute of Nuclear Studies and a Nobel Prize winner, will be the principal speaker at The Decalogue Society of Lawyers Nineteenth Annual Patriotic Dinner, at the Palmer House, the evening of February 20. His subject will be *The Rights of Man*. Our Society's guest of honor was born in Indiana in 1893. His B.A. he received in 1917 from the University of Montana and his doctorate in Philosophy in 1923 from the University of California. Before his appointment to the Chicago post he served on the faculties of several universities in the United States. He edited the Journal of "Chemical Physics," and with A. A. Ruark wrote *Atoms, Molecules and Quanta*. His Nobel Prize in Chemistry was won for his discovery of the Isotope of Hydrogen, which is known commonly as heavy hydrogen and is present in heavy water.



PROFESSOR HAROLD CLAYTON UREY

His scientific accomplishments, throughout the years, were of a nature that showered upon him marks of honor by institutions of learning all over the world. To list the more notable ones, Dr. Urey received; the Willard Gibbs Medal, the Davey Medal of the Royal Society of London, the Franklin Medal of the Franklin Institute, and honorary degrees from Oxford, Yale, Princeton and Columbia. Because of his wartime efforts particularly in connection with the atomic project, he was given the medal of merit by the President of the United States. The most recent one is the Cardozo Memorial Award of Merit for 1953 from the Tau Epsilon Rho Law Fraternity.

Professor Urey is not content to rest upon laurels achieved as one of the outstanding savants of our age. His laboratory and his classrooms exact much of his time but not to the extent of oblivion of his obligations as a citizen. He is outspokenly severe in denouncing encroachments upon our freedoms. He is an American who has boldly and unequivocally voiced his opinions against tyranny and injustice.

A non-Jew, he is much interested in the State of Israel, which he has visited. He is a member of the American Friends of the Hebrew University, an institution which has his utmost sympathy.

★ ★ ★ *Albert Einstein* ★ ★ ★

... Napoleon and other great men were makers of empires, but these eight men whom I am about to mention were makers of universes and their hands were not stained with the blood of their fellow men. I go back 2,500 years and how many can I count in that period? I can count them on the fingers of my two hands. Pythagoras, Ptolemy, Kepler, Copernicus, Aristotle, Galileo, Newton, and Einstein, and I still have two fingers left vacant. . .

GEORGE BERNARD SHAW

A Nobel Prize winner, a man called one of the eight immortals of history who wrought fundamental changes in the theories of the universe held throughout the ages by scientists in all lands, Albert Einstein is The Decalogue Society of Lawyers' choice for its Award of Merit for 1953. "Einstein's discoveries," is this reiterated assertion of leading savants the world over, "establish for him an eternal position in the history of science." And . . . "his theory is one of the greatest generalizations of all time." Winston Churchill has estimated that the atomic bombs dropped on Japan in 1945, shortened the war and saved the lives of 1,000,000 U. S. soldiers and 250,000 British soldiers. Einstein was one of the earliest protagonists of the two billion dollars Manhattan Project which produced the unprecedented weapon of war.

He was born in Ulm, Germany, in 1879, of parents of modest economic means. His father, Herman, was in the electrical-chemical business which he moved, ten years after his son's birth, to Munich and some time later to Milan. When sixteen years of age, young Einstein went alone to Switzerland where he studied at the Technical Academy in Zurich, became a Swiss citizen, and obtained a minor position in the Patent Office at Berne.

His sensational and unsolicited bid for public acclaim came in 1905 when at the age of 26 he published four important scientific papers which almost immediately attracted attention; at the time, he held an unsalaried position as a lecturer at the University of Berne. In 1909,

he became assistant professor of theoretical physics at the University of Zurich, and in 1912, he returned to Switzerland to become professor at the Technical School at Zurich; during that year he lectured at the University of Leyden, forming there associations which greatly encouraged his progress. By this time his fame had become such that he was called in 1914 to Berlin as director of the Kaiser Wilhelm Academy of Science, which position he retained until 1933 when persecution by the Nazis forced him to resign. He renounced his German citizenship. The leading nations of the world asked him to honor them by residing there, but he chose our land. Since his coming to the United States in 1933 he has been Professor of Mathematics at the Institute for Advanced Study, Princeton, New Jersey. He became an American citizen in 1940. The Nobel prize, which he received in 1922, was awarded for his work on photo-chemical equivalents and not for his theory of relativity.

He was married twice—to Mileva Marec in 1901, of which union were born two sons, Albert and Edward. Later he married a cousin, Elsa Einstein in 1917. The second Mrs. Einstein died in 1936.

* * *

In 1937, in an article on Einstein, in the *Universal Jewish Encyclopedia*, the writer comments that in the New York Public Library alone "there are 513 books on relativity and 106 books and pamphlets about Einstein, plus 271 magazine articles." That was seventeen years ago, four years before the beginning of World War II, and before the atomic assaults on Hiroshima and Nagasaki proved that the Manhattan Project was not in vain.

The literature on Einstein, available in 1937, could not have included the recital of the debasing influence of the Cold War on the peoples of Europe, the reduction of several sovereign countries to the status of vassals of Russia, nor the creation in 1948 of the Jewish State of Israel. Nor the Korean war nor the

ominous emergence of China as an ally of the Soviets. Neither could it forecast the current witchhunts in the United States. All of these events brought forth essays, comments, pamphlets, and books from and about Einstein. For, while he may plead, because of his advanced years that, "I live in that solitude which is painful in youth, but delicious in the years of maturity," he is to this day vigorously articulate when in his judgment that the concept of human dignity is trifled with. It is never a thankless task to pursue an even casual research into the range of his philosophy and convictions. The latter are uncompromisingly consistent and refreshingly unique. For instance, in a nearly one hundred page autobiographical preface to a large volume *Albert Einstein: Philosopher-Scientist*, the author devotes barely a page to himself, as an individual. Throughout he dwells on ideas which, since a precocious youth, galvanized him into sharp mental processes. So factual and seemingly dull is the course of this narrative that Einstein "interrupts" himself by saying:

"Is this supposed to be an obituary?" the astonished reader will likely ask. I would like to reply: essentially, yes. For the essential in the being of a man of my type lies precisely in *what* he thinks and *how* he thinks, not in what he does or suffers.

He is bitterly at war against totalitarian power. The Iron Curtain evokes from him:

"To the East of the Rhine free exercise of the intellect exists no longer and the population is terrorized by gangsters who have seized power, and youth is poisoned by systematic lies."

A firm believer in World Government, he more than any other human being is aware of the defense that the atomic bomb affords us. He states:

Now we have the atomic secret, we must not lose it, and that is what we should risk doing, if we give it to the United Nations Organization or to the Soviet Union. But we must make it clear as quickly as possible that we are not keeping the bomb secret for the sake of our power, but in the hope of establishing peace through a world government, and we will do our utmost to bring this world government into being.

Einstein, an ardent Zionist and an honorary president of the Hebrew University in Jerusalem since its foundation, reckons with the Jew as the standard bearer of the concept of justice.

The bond that has united the Jews for thousands of years and that unites them today is, above all, the democratic idea of social justice, coupled with the ideal of mutual aid and tolerance among all men.

Even the most ancient religious scriptures of the Jews are steeped in these social ideals, which have powerfully affected Christianity and Mohammedanism and have had a benign influence upon the social structure of a great part of mankind. . .

And

Those who rage today against the ideals of reason and of individual freedom, and seek to impose an insensate state slavery by means of brutal force, rightly see in Jews their irreconcilable opponents. History has imposed upon us a severe struggle. But as long as we remain devoted servants of truth, justice and freedom, we shall not only continue to exist as the oldest of all living peoples, but we shall also, as hitherto, create, through productive effort, values which shall contribute to the ennobling of mankind.

He whose brain hastened the coming of the atomic age envisions no foreseeable defense against the bomb. In his opinion, in the light of the new knowledge, a world authority and an eventual World State are not only desirable, but necessary for survival. "Our defense," he insists, "is not in armaments, nor in science, nor in going underground. Our defense is in law and in order."

Einstein, at the age of seventy-five, a man whose cosmic revelations have revolutionized many concepts cherished by mankind, persists in a biblical conviction that "charity is of greater possession than all knowledge and . . . "only a life lived for others is the life worthwhile. . ."

Posterity will, I believe, assess this man not only as *the* genius of our century, but as a truly immortal spirit, whose contributions to human welfare will prove of incalculable good. A rebel against men and institutions who would shackle the human spirit, his voice is intractably on the side of the Rights of Man. He practices what he preaches.

Were it possible to epitomize in a paper of inadequate length Einstein's outlook upon life, this writer would say that it is essentially an attitude of social protest, this scientist's basic characteristic. More perhaps than his contempt for sham and platitudes is his abhorrence of limelight. He is furiously fast in identifying himself with critics and crusaders. He who could contentedly and deservedly rest upon his laurels in an ivory tower would reach forth to help men in their long and bitter struggle to retain their freedom or to achieve it. Thus

his appraisal of Mahatma Gandhi as a "man who has confronted the brutality of Europe with the dignity of the simple human being, and thus at all times rises superior." Always in his public addresses and in his writings there is the leit-motiff that no sacrifice of the individual compares in importance with the moral obligation to preserve our Bill of Rights. Thus, too, is his tribute to another champion of freedom, the late Rabbi Stephen Wise "by relentlessly exposing the weakness and imperfections both in our own ranks and in the larger political arena of the non-Jewish world, he has made great and lasting contributions wherever he has gone . . . behind the enormous labors of this man there has always been the passionate desire to make mankind better and happier."

The humanitarian, he urges, must transcend the scientist:

Concern for man himself and his fate must always form the chief interest of all technical endeavors. . . Never forget this in the midst of your diagrams and quotations. —EDITOR

* * *

NOTE

For biographical and other material on Albert Einstein, the editor is indebted to

COVICI-FRIEDE—*Cosmic Religion*, by Albert Einstein

DOUBLEDAY, DORAN & Co.—*An Intimate Study of a Great Man*, by Dimitri Marianoff with Palma Wayne

ALFRED A. KNOPP—*Einstein, His Life and Times*, by Philipp Frank

PHILOSOPHICAL LIBRARY—*Out of My Later Years*, by Albert Einstein

PHILOSOPHICAL LIBRARY—*The World As I See It*, by Albert Einstein

THE LIBRARY OF LIVING PHILOSOPHERS—*Albert Einstein, Philosopher-Scientist*

THE UNIVERSAL JEWISH ENCYCLOPEDIA

Member of our Board of Managers Solomon Jesmer, was chairman of the Society's Committee which selected Professor Einstein the recipient of The Decalogue Society of Lawyers Merit Award for 1953.

Reservations Available

Requests for reservations for our forthcoming Nineteenth Annual Merit Award Dinner at the Palmer House, Saturday evening, February 20, continue at a brisk rate. Chairman of the Arrangements Committee Elmer Gertz and Jack E. Dwork in charge of ticket sales, announce that the selection of Professor Albert Einstein for the AWARD OF MERIT for 1953 has met with the hearty approval of the legal profession and the community. Seats are allotted in order of receipt of requests for reservations. The price is seven dollars and fifty cents per person.

Harold C. Urey, internationally known scholar and Nobel prize recipient, will deliver an address on *The Rights of Man*.

BOUQUET FOR NUDELMAN AND WEINROB

A representative of the Great Books Foundation which sponsors in an advisory and consulting capacity the many Great Books discussion groups throughout Chicago visited, unannounced in advance, a Decalogue discussion class. So favorable were the impressions of the observer, Mr. Bruce Tilden, gained after witnessing a session, that he sent a copy of a report made to the Foundation to Nudelman and Weinrob, conductors and leaders of The Decalogue Discussion Group at 180 West Washington Street. Below are excerpts from Tilden's findings:

"In general discussion was good, the views expressed those of mature thoughtful and well read men. . .

I consider the leadership so competent, the composition of the group so good, that I would do everything to maintain it. . ."

Meetings are held on alternate Mondays, from 6:15 to 8:15 P.M. at the Society headquarters, at 180 West Washington Street. The next sessions and the dates on which they will be held, are:

February 15, 1954—Montaigne: *Selected Essays*

March 1, 1954—Shakespeare: *Hamlet*

March 15, 1954—Locke: *Of Civil Government* (Second essay)

March 29, 1954—Rousseau: *The Social Contract*, Books I-II

Tau Epsilon Rho Legal Fraternity Guest of The Decalogue Society of Lawyers

The Decalogue Society of Lawyers was host to the Tau Epsilon Rho International Legal Fraternity at a brunch at the Blackstone Hotel, December 30. This organization numbers more than four thousand lawyers who practice in nearly every State in the Union. Many members of our Society belong to the fraternity and are active in its affairs. Harry D. Cohen, our past president, together with Max Reinstein, member of our Board of Managers, headed a group of local representatives of Tau Epsilon who were in charge of the Chicago National Convention. The sessions of the visiting lawyers began Tuesday, December 29th and continued until Friday, January 1st. The feature event of the fraternity gathering was the presentation of the annual 1953 Cardozo Memorial Award to the famous scientist, Dr. Harold C. Urey.

Harry D. Cohen presided at the brunch meeting. Seated at the speaker's table with the national officers of the Tau Epsilon Fraternity were President Paul G. Annes, of our Society, First Vice-President Elmer Gertz, and past president Oscar M. Nudelman. President Annes made a welcoming speech in which he dwelled on the like ideals for professional achievement and progress that animate both the Tau Epsilon and The Decalogue Society.

A feature of the proceedings was an extensive address by Oscar M. Nudelman, printed copies of which were distributed to our guests. Nudelman presented a comprehensive story of the origin and growth of our Society from its foundation in 1934, to date. He marshalled in some detail many of its accomplishments in behalf of the legal profession, and the contribution which the Decalogue Society has made in the field of communal relations and causes of Jewry. Nudelman stressed the role the Society has played as a potent force for the preservation and the elevation of the dignity of both Bench and Bar. While The Decalogue Society, Nudelman stated, does not now contemplate the formation of chapters in other cities, it already counts on its rolls many out-of-town members of the Bar. Should these or other members of the legal profession plan the

establishment of such a chapter, The Decalogue Society will, upon application, give freely of its advice and experience in helping the formation elsewhere, of legal groups similar in philosophy and purpose.

More than twenty members of Tau Epsilon Rho Fraternity joined our Society. Kenneth C. Marks, a member of our bar association was elected National Executive Chancellor of the Tau Epsilon Rho.

SOCIETY HOST TO NEWLY ELECTED JUDGES

The Decalogue Society of Lawyers began a successful innovation in its relations with the Bench, suggested by President Paul G. Annes, when it was host at the Covenant Club December 17, at a cocktail party in honor of all recently elected Judges in the last judicial election in Cook County. The entire Cook County judiciary was invited to attend. The large attendance of both members of Bench and Bar attested to the great popularity of this occasion. Second Vice-President Bernard H. Sokol was chairman of the affair.

DECALOGUE MEMBER U. S. ATTORNEY

Member Irwin N. Cohen was elected by the District Court January 18, U. S. Attorney for the Northern District of Illinois.

Cohen, a 1930 graduate of the University of Chicago Law School, was admitted to the Illinois Bar the same year. From 1936 until 1941 he served as Attorney and Capital Stock Tax Assessor for the Illinois State Tax Commission (now known as the Illinois Department of Revenue).

In 1949 Cohen was appointed Assistant United States Attorney and served in that capacity until his elevation to the present post.

JUDGE JACOB M. BRAUDE

Member Judge Jacob M. Braude's article entitled "Don't Underestimate the Lie Detector," originally published in the "Town Journal," was reprinted in the November 1953 issue of "The Readers Digest."

Acclaim Decalogue Choice

Published below are excerpts from letters that have reached the President of our Society at the time this issue went to press. The next issue of The Decalogue Journal will contain, it is expected, more comments.

You couldn't honor a greater American than our adopted citizen, Professor Einstein. His moral position on public policy does honor both to the law and those who honor him.

ROGER N. BALDWIN
American Civil Liberties Union

* * *

... I am sure that your Award of Merit to Professor Einstein is a worthy recognition of his outstanding service in the field in which he is so preeminent.

ALBEN W. BARKLEY
Former Vice-President of the United States

* * *

I regret my inability to attend your February 20th dinner honoring Professor Einstein. His useful and distinguished career make him a worthy recipient of your Award of Merit. Please extend to him my best wishes.

JUSTICE HUGO L. BLACK
Supreme Court of the United States

* * *

... If it were not for his alert concern for this, his adopted country, it is highly probable that the United States would have lost out in the atomic investigation which he first instigated, and is now the corner stone of its security.

AUGUSTINE J. BOWE, *Chairman*
Chicago Commission on Human Relations

* * *

... It would, I think, be superfluous for me to comment on the great Albert Einstein. He deserves any honor that is given to him.

PEARL S. BUCK
Nobel Prize Winner in Literature

* * *

What an extraordinary thing that a society of lawyers should be honoring a scientist, and moreover a scientist whose accomplishments have been so largely in the high theoretical and abstruse areas of physics!

It has been one of the extraordinary phenomena of the present day that laymen have regarded Einstein with such great respect. True he is one of the great figures of our time, and has contributed some of the most profound thinking in the field of science that the world has ever seen. But much of this accomplishment has been far from the everyday affairs of individuals outside the field of science, and much of it has been very hard indeed to understand or to appreciate. The recognition of Einstein thus generally occurred long before the world could lead to resounding practical

results. Hence recognition of Einstein which has been so general indicates that this generation is not concerned merely with the matters that immediately affect its health or its welfare, but is concerned still in a profound way with matters of the intellect, and this is a good sign. I feel that your Society in honoring Einstein exemplifies in a very salutary way a breadth of interest which is valuable in this complex world in which we now live.

VANNEVAR BUSH, *President*
Carnegie Institute

* * *

The Professor's career is such that it stands out in the minds of all of us as being most worthy of this recognition you pay him. It is like "carrying coals to Newcastle" for me to add comment to a record so well established.

JUSTICE TOM C. CLARK
United States Supreme Court

* * *

Albert Einstein is one of the greatest scientists of all time. His brilliant and imaginative leaps into the unknown have served, not only to cast dazzling new light on things that were known, but have served as an unerring guide for a generation of subsequent search into the unknown. He has enlarged man's understanding of the deepest and most profound aspects of the physical world. He has helped physicists understand the depths of the nuclei of atoms. He has helped astronomers understand the outer reaches of space. He has helped all men understand and appreciate the majesty of the human intellect, the importance of the inquiring mind.

LEE A. DUBRIDGE, *President*
California Institute of Technology

* * *

... I think it is indeed appropriate that your Society honors this world-famous scientist.

F. RYAN DUFFY
Judge U. S. Court of Appeals

* * *

... The choice of Professor Albert Einstein as the recipient of the Award of Merit of The Decalogue Society of Lawyers is a particularly happy one. Few people in all time and all countries have contributed as much as he to the building up of human knowledge and have given more thought than he to the one use that man should make of such knowledge.

ENRICO FERMI
Institute for Nuclear Studies
University of Chicago

Surely to make public recognition of Professor Einstein for his service to mankind is an act that speaks for itself. I would deem it a piece of humorless presumption to spell out the reasons for doing so.

JUSTICE FELIX FRANKFURTER
United States Supreme Court

* * *

Your Award to Professor Einstein honors a thinker who has broken down some of the most formidable barriers to our understanding of the universe, but much more than that, it seems to me, it honors a great and humane spirit, who in troubled times has given all of us many reminders of the limitless possibilities of the mind and heart of man.

JOHN HERSEY
Pulitzer Prize Novelist

* * *

In the selection of Professor Einstein as the great American to be honored, a choice has been made that merits the applause of all who earnestly believe in the American heritage of freedom, individual rights, and government by law as established in our federal and state constitutions.

During these days of unprecedented turmoil, no one has more clearly brought to the attention of the people of America and the world the task that confronts humankind today,—the necessity for world understanding—if man, as man, is to survive in this atomic age.

BARNET HODES
Former Corporation Counsel, City of Chicago

* * *

... The Award to Professor Einstein is a worthy tribute to this distinguished citizen, who has contributed so much to science and humanity.

EDMUND K. JARECKI
County Judge

* * *

... It is most appropriate that one of the greatest scholars and scientists of our time should thus be honored, and I congratulate your Society upon doing so.

J. R. KILLIAN, JR., *President*
Massachusetts Institute of Technology

* * *

... Quite obviously Professor Einstein's stature does not need the assistance of an award which anyone can grant him. However, those of us who believe in a great destiny for the human race must take every occasion that we can to recognize great mental power which is accompanied by humility and a sense of dedication. These qualities that so much characterize Professor Einstein are the qualities which are needed to hasten humanity's travel through the present era of confusion and fear. It is my pleasure therefore to compliment your Society on its excellent judgment.

PHILIP M. KLUTZNICK
International President, B'nai B'rith

The selection of Professor Einstein as the recipient of the Award is of course most appropriate and I congratulate the Society on its choice. I would appreciate it if you would convey my greetings and good wishes to your distinguished guest of honor and assure him that I am sincerely sorry that I cannot join in this tribute to him.

HERBERT H. LEHMAN
U. S. Senator, State of New York

* * *

It may take a Philadelphia lawyer to understand Albert Einstein's theory of Relativity, but it takes a Chicago Decalogue Lawyer to understand his idea of freedom. Einstein is not only a great scientist, but a great American citizen. There could be no more appropriate time than now to award him with the Decalogue Society honor.

LEO A. LERNER
Editor and Publisher

* * *

His distinction is so well known to all Americans that any comment from me would be meaningless.

ARCHIBALD MACLEISH
Pulitzer Prize Poet

* * *

... No doubt, Professor Einstein is sufficiently deserving of the honor which you propose to confer upon him. His selection is in keeping with the splendid judgment exercised by your organization in the past in making this annual award.

J. EARL MAJOR
Senior Judge U. S. Court of Appeals

* * *

The scientific genius of Albert Einstein is above any praise. What I should like to stress, as a philosopher, is not only his idealism and generous concern for mankind, but also the fact that the conviction of the intelligibility of the cosmos, which does not proceed from chance and a throw of the dice, but from divine reason, plays a central part in his thought and in the admirable work he has performed in physics.

JACQUES MARITAIN

* * *

... I think your choice of Professor Einstein as recipient of the Award of Merit given by The Decalogue Society of Lawyers is eminently appropriate; first, because his lifelong devotion to the cause of humanity is known to every man, and second, because in a field in which the deficient or inept soon encounter disaster, he is far and away the pre-eminent figure in the world.

CHARLES W. MAYO, M. D.

* * *

... I commend the Society for its decision to bestow its Award on Professor Albert Einstein.

J. ROSCOE MILLER, *President*
Northwestern University

... I am, of course, delighted to hear of the honor to Professor Einstein.

ROBERT OPPENHEIMER, Director
Institute for Advanced Study, Princeton, N. J.

... The man whose name is a household word is the same man whose scientific thinking is understood by very few persons. To me, this fact suggests two things about Professor Einstein.

First, although ordinary people do not understand his mathematical and scientific work, they do understand and appreciate the increasing flow of material benefits that come from his work and from that of the many others who advance science and technology.

Second, people of good will everywhere recognize and appreciate the genuine respect and concern for humanity that are as characteristic of Professor Einstein as his scientific insights.

J. T. RETALIATA, President
Illinois Institute of Technology

... Professor Einstein richly deserves the honor you are bestowing on him and I would like to take this opportunity to send him my congratulations.

ELEANOR ROOSEVELT

... It is needless for me to underscore Professor Einstein's tremendous contribution to human knowledge and advancement in the fields of physics and mathematics. In addition, he has gained increasing status as a great humanitarian devoted to the fundamental concepts of freedom and democracy.

WALTER P. REUTHER
President, C.I.O.

I am very glad to hear that your Society is honouring Albert Einstein. I do not know of any living man whom I respect more and, fortunately, one can respect his character as much as his intellect. It is kind of you to invite me to the dinner in his honour, but I cannot be in America at that time.

BERTRAND RUSSELL

... I believe that your selection of Dr. Einstein, in view of his known contributions to science and personal standing is certainly a fine one.

IGOR I. SIKORSKY
Sikorsky Aircraft Co.

... The advent of nuclear fission has made many of us appreciate much more fully the ultimate effect that theoretical scientific research can have upon our daily lives. It also has caused many scientists to turn their eyes from mathematical formulae to a consideration of humanity, ethics and religion. One who did not need this lesson was Albert Einstein. He has achieved the pinnacle of scientific reputation—but not without daily recognition that pure science cannot exist in a vacuum that excludes the verities and values of man and religion. For this lesson alone, and laying aside entirely his very real material contributions to society, it is fitting that he should receive your Award of Merit.

ADLAI E. STEVENSON

From the President

Each year, on the occasion of the Patriotic Dinner, our Society presents its Award of Merit to an individual for outstanding contribution to humanity. We thus regularly bring to the attention of ourselves and others, near and far, distinguished men devoted to those permanent values which mankind over the ages has accepted as the foundation for all faiths and creeds. The selection is made on the basis of total service and total greatness, not for some isolated chance deed or utterance.

This is in the tradition of our Society. As lawyers, we may be trained for order and reasonable predictability in the affairs of men. But beyond that, we have a commitment to respect and try to live up to the ideals of our people, the immanent ideals of all peoples, which inform the enlightened conscience of all generations. This conception of man's relationship to man is a vision of impossible perfection, of each in the service of all.

In the spirit of this striving for the ultimate, The Decalogue Society of Lawyers has voted the 1953 Award to Albert Einstein, who by his work and life has earned the lasting admiration of America and the world.

PAUL G. ANNES

... I certainly can say, from personal acquaintance with him at the Institute for Advanced Study, that he bears one characteristic mark of the very greatest men, and that is his modesty and simplicity.

ARNOLD TOYNBEE
Royal Institute of International Affairs

... You have certainly selected a highly distinguished American and humanitarian to receive the Award of Merit for 1953. . .

SELMAN A. WAKSMAN
Nobel Prize Winner in Medicine

The Award of Merit to Dr. Albert Einstein by The Decalogue Society of Lawyers for outstanding service to the cause of humanity is truly deserved.

THORNTON N. WILDER
Pulitzer Prize Winner

A Code of Conduct for Congressional Committees

An Interim Report of the Civic Affairs Committee

By ELMER GERTZ, Chairman

Increasingly the members of the Civic Affairs Committee of The Decalogue Society have become aware that the conduct of congressional investigating committees impinges upon the every day life of all thoughtful people. By general consent, the committee began to work on a project which all believed to be in the public interest—the formulation of a code of conduct for Congressional committees. As the basis of the first draft of such a code, we took the proposals of member Joseph L. Nellis, who had been associate counsel of the famous Kefauver Committee. These had been published in the June and July 1953 issues of our Decalogue Journal. Some suggestions were also gathered from the proposed Senate Concurrent Resolution No. 10 of the 83rd Congress, 1st session, and House Resolution No. 29, of the 83rd Congress, 1st session. Elliot Epstein, one of the most active of the younger members of our Civic Affairs Committee, was largely responsible for the actual language of the first draft of the proposed code.

The draft was sent out to the members of the committee and to the Board of Managers, for comments and criticism, which came in substantial volume. This material was then summarized, largely by the chairman himself and Maynard Wishner. We feel that our entire membership and the community will gain by a preliminary view of the code as originally drafted and the comments made on it. This interim report, therefore, closes with the code and the comments thereon. We strongly urge all persons, whatever their viewpoint, to send their suggestions and criticism to The Decalogue Society of Lawyers, 180 West Washington Street, Chicago 2, Elmer Gertz, chairman Civic Affairs Committee, at the earliest moment.

The material, in its present form, has been sent to several students of the problem and will be sent to others. The committee has met with Congressman Sidney R. Yates, State Senator Marshall Korshak, Dr. Joseph Lohman, Professors Malcolm P. Sharp and Harry Kalven, Jr., and others.

We feel that an account of the discussions had at our various meetings is instructive. For the moment we are reporting only the meeting at which Congressman Yates led our discus-

sion. In a subsequent report, we will deal with the comments of Professors Sharp and Kalven, who made unexpected suggestions, which are different in kind from any yet presented to the American public. The summary of the Congressman's comments which follows is, also, the work of Elliot Epstein.

Congressman Yates emphasized at the outset that the investigating powers of Congress are absolutely necessary and that any code or other legislation should be viewed in the light of retaining these investigatory powers and not reducing materially the efficiency of committee investigations. Congressman Yates further commented that in his opinion some committees in Congress, such as the Jenner Committee and the House Un-American Activities Committee, need desperately such a code of procedure, but that certain committees are operated fairly and equitably. Committees are not courts. It is necessary that they be permitted to wander afield as far as the scope of their investigations are concerned.

However, one of the evils that should be prevented is the irresponsible charges made by many committees without their accepting responsibility for the charges. It was emphasized that any information to be released by an investigating committee should be carefully verified prior to such release, and that the committee should be responsible for any published information released by it. This, however, brings us to the difficult problem of who should be permitted to make statements for a committee, and how would any code enforce the provisions limiting the authority to speak for a committee to any individual or individuals.

Members of investigating committees issue statements instead of the chairman and thus violate the existing rules of their committees, but no action is ever taken against such members and, indeed, what action could be taken? Further, what sanctions could be imposed against erring members? This question, of course, arises as to any violated provision of any code of procedure before any committee. Congressman Yates emphasized the alleged practices of Senator McCarthy and others, and further commented that among members of Congress there is an esprit de corps which is

so strong as to protect members who violate various laws and provisions, in order to protect the body as a whole.

Dr. Joseph Lohman commented that there is no real remedy for procedure before congressional investigation because no sanction can be applied against the members of Congress due to their extreme power. Dr. Lohman lays the blame, not so much upon the committees, but upon the American press. He said that the press should take the responsibility of editing irresponsible charges and sifting information so as to protect individuals. He emphasized that the worst congressmen are getting the best press. He further stated that witnesses are now convicted by pleading the 5th Amendment, because public opinion accepts congressional statements that claiming the privilege under the 5th Amendment is equivalent to guilt. Congressman Yates agreed that in his opinion it is entirely possible that public opinion now would permit a Constitutional amendment to repeal the 5th Amendment.

A question from the floor was, "To what extent can withdrawing congressional immunity act as a sanction against erring committee members?" This question was answered by Congressman Yates. He said that immunity is necessary for members of Congress. Removal of immunity would be more destructive than constructive as a sanction, because minority rights within a committee would thus be destroyed. He emphasized that the chairman could bury something in an executive session of a committee and the minority member could not reveal what was suppressed without the threat of a libel suit.

All except one person present agreed that no inference should be drawn from a witness refusing to testify on the grounds that he might incriminate himself. Dr. Lohman and Mr. Yates agreed that the present tenor of public opinion results in a conviction regardless of the evidence against an individual claiming the privilege under the 5th Amendment.

At the end, Congressman Yates said that on the whole the code of procedure was a good one, and urged that our group get the Chicago and American Bar Associations to join in these or similar proposals in order to gain the maximum effectiveness on our appeal for such proposals.

The first draft of the code and a summary of the earlier comments on it follow:

1

Advance notice to a person or organization against whom derogatory information is proposed to be presented at a public hearing.

RESPONSE:

Unanimous Approval

ADDITIONAL SUGGESTIONS

NATURE OF NOTICE:

Secret—by registered mail with assurance that it is received by person or his immediate family.

NOTICE SHOULD INCLUDE:

Brief abstract and source of information—list of witnesses who will present derogatory information together with summary of proposed testimony.

TIME OF NOTICE:

Seven days (7)—thirty days (30)—reasonable time in advance.

No public statements prior to appearance of person or organization.

Assurance that person is in the State or United States to be able to attend hearings.

2

No derogatory information about a person or organization shall be presented in public hearing unless same shall have been heard in executive hearing and a majority of the committee votes to make it public.

EXECUTIVE SESSIONS SHOULD INCLUDE:

Opportunity to person to refute—right of counsel, opportunity to cross-examine, summon witnesses before committee makes public.

Comments against this provision or by way of caution, not essential, if later opportunity is afforded to meet charges.

Danger that majority could suppress information that could furnish other leads.

Press will not be respectful or tolerant of secrecy, and those voting to suppress may be challenged by the press.

3

Any person adversely affected shall have the right of counsel, be given opportunity to present evidence immediately after the derogatory material is presented, cross-examine, summon a reasonable number of witnesses in his behalf, file a rebuttal statement which shall be made part of the record.

CONSENSUS:

"A must!" "Absolutely!"

SUGGESTIONS

RIGHT OF COUNSEL:

For all persons instead of those only adversely affected; public defender if without funds.

WITNESSES:

Strict limit on character witnesses—unlimited witnesses on material.

4

The Constitutional claim of privilege, if validly asserted, shall be respected.

CONSENSUS:

Agreement

ADDITIONAL COMMENTS

Concern expressed about meaning of "validly asserted." Should be limited to incrimination. No adverse comment by committee against person for asserting this right.

5

Private affairs of individuals shall not be investigated, except upon majority vote of the committee that such are relevant to the inquiry.

CONSENSUS:

Mostly approval, but with some questioning. Precise definition of "private affairs" is necessary. This requirement might hamper investigation. Investigation necessary to determine relevance. Perhaps intent is to limit publicizing. "No committee shall have the right to investigate by summons but merely by invitation." Private affairs are sometimes legitimate subject of investigation. Standard should be set.

6

Persons shall not be required to testify as to their political or religious beliefs, except under majority vote where such is voted to be relevant to the inquiry.

CONSENSUS:

Majority objected to such testimony in any circumstances. The rest felt the exception offered sufficient protection.

7

Until a majority and minority report, if any, is filed, no member of the committee shall make derogatory statements about a witness, and such report shall be kept confidential until officially released.

CONSENSUS:

General Agreement

ADDITIONAL SUGGESTIONS

Specifically include derogatory reference to witnesses asserting rights guaranteed under this code. Let the report always speak for itself. No derogatory comments unless included in report.

8

Minority reports shall be filed simultaneously with any majority reports in investigations into the private affairs of citizens.

CONSENSUS:

General Agreement

9

Where a committee report makes derogatory statements about persons or organizations, the evidence upon which such statements are based shall be made public simultaneously.

CONSENSUS:

General agreement. Some suggestion that such release also be accompanied by rebuttal or answer. One suggestion that full transcript of evidence be released.

10

All media of public information shall have access to public hearings. This includes radio and television under circumstances where the apparatus used will not frighten, distract, or physically annoy witnesses.

CONSENSUS:

Opinion divided

11

A witness who objects to being televised or broadcast shall be heard with these devices turned off.

CONSENSUS:

Everyone agreed except one person who made the point that he did not feel a witness should be put in the position of objecting.

12

Any person or organization whose activities are the subject of any investigation by a committee, or about whom a derogatory statement is made or material is presented at any public hearing of a committee, shall be permitted to file with the committee a limited number of interrogatories to be answered by witnesses who have testified to derogatory material about such person or organization.

CONSENSUS:

Unanimous agreement with one added comment that interrogatories must be pertinent and relevant and should not be permitted to obstruct in the opposite direction.

13

Any person or organization whose activities are the subject of any investigation by a committee, or about whom a derogatory statement is made or material is presented at any public hearing of a committee, shall be entitled to have the committee subpoena witnesses for limited direct or adverse examination by such person or organization, or by his or its counsel, subject to the direction of the committee.

CONSENSUS:

Unanimous agreement. Number of witnesses called should be reasonable. Two persons would remove the right from the discretion of the committee.

(General Invitation. Please forward your own comments to The Decalogue Society of Lawyers, 180 West Washington Street, Chicago 2, Illinois, Elmer Gertz, chairman Civic Affairs Committee.)

EINSTEIN'S HONORS

Extraordinary Professor of Theoretical Physics at the University of Zurich.

Professor of Physics at the University of Prague. Director of Kaiser-Wilhelm Physic Institute.

A member of the Royal Prussian Academy of Sciences.

A foreign member of the Royal Society of England.

A member of Amsterdam and Copenhagen Academies.

Honorary degrees from Universities of Geneva, Manchester, Rostock and Princeton.

Received the Nobel Prize in 1922.

Copley medal of the Royal Society in 1925.

Gold medal of the Royal Astronomical Society in 1926 in recognition of his Theory of Relativity.

Today, Professor of Mathematics, Institute for Advanced Studies, Princeton, New Jersey.

Organization Awards to Flacks and Levin

Our Society selects annually one or more members for outstanding contributions to its welfare. Members Flacks and Levin, whose biographical sketches follow, were chosen this year to receive the inter-organization certificate of commendation. Past president Maxwell N. Andelman will present to them their marks of recognition at the Society Annual Dinner, February 20, 1954 at the Palmer House.

Member of our Board of Managers, Reuben S. Flacks, was born in Baltimore, Maryland, July 12, 1900. His family came to Chicago in 1910. He attended the Tuley High School graduating with the class of 1917. His Ph.B. came from the University of Chicago in 1923 and his J.D. from Chicago Law School in 1924. He was admitted to the Illinois Bar in 1925.

Flacks, a member of The Decalogue Society of Lawyers since shortly after its foundation, has been and still is very active in its manifold projects. He has served for several years as the financial secretary and treasurer of our organization. Always a member of many important committees of the Society, Flacks was chairman of the F.E.P.C. committee, chairman of the Judiciary committee which considered the Judicial Reform Amendment and he regularly participates in our Civic Affairs committee work.

Other bar associations are also beneficiaries of Flacks' keen interest in professional problems. A member of the Chicago Bar Association, Flacks has served on its Federal Legislative Labor Law and War Labor Law committees. As a member of the Illinois State Bar Association, he is on that organization's Corporation and Securities, and Probate Law Committees. Active in the American Bar Association, he is a member of its Corporation, Banking, and Business Law section.

Intense preoccupation with legal problems in the Decalogue and other Bar Associations does not deter Flacks from widespread and indefatigable participation in Jewish communal and political affairs. A fluent speaker, he thoroughly enjoys debates on contemporary social issues. He is a frequent contributor of articles to periodicals of general circulation and legal journals. Flacks is married.

Member of our Board of Managers, Michael Levin was born in England and brought to the United States when a child. He received his public and high school education in Chicago and was president of his class at Crane Technical High School. He earned his school expenses by boxing, and in 1926 won the championship in the boxing tournament at 126 lb. conducted in the 6th Corps Regular Army Area. Too young to join the Army during the First World War he participated in Liberty Bond Drives, receiving an Award for outstanding efforts in local campaigns and he enlisted in the Illinois National Guard.

His PhB and his J. D. degrees, both from the University of Chicago, were granted to him in 1926 and in 1928. Active in The Decalogue Society of Lawyers since 1939 he was elected twice throughout the years of his membership, to our Board of Managers. He was chairman of the Membership committee and is presently chairman of the committee on Placement and Employment. Levin interviews an average of five applicants a week, young lawyers seeking employment in law offices.

A member of the Matrimonial Law committee of the Chicago Bar Association he has helped draft many laws in connection with divorce. He was one of the members of the Chicago Bar Association's Sub-Committee which drafted a model or uniform divorce law, since adopted by the Illinois and National Women's Bar Associations. This bill has been introduced to the legislatures of at least six states in 1953. Levin is married.

APPLICATIONS FOR MEMBERSHIP

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FEDERAL POST FOR Z. A. ADER

Member Zeamore A. Ader was appointed Special U. S. Assistant Attorney General for the Northern District of Illinois, by Herbert Brownell, United States Attorney General.

Ader received his B. A. in 1931 and his J. D. degrees in 1934 from Northwestern University, the year he was admitted to the Bar in Illinois. He was honored for his work as Government Appeal Agent in the Selective Service System by Congress and the Illinois General Assembly. Ader was active in civil rights cases by appointment of the U. S. Court of Appeals and the U. S. District Court. A contributor to legal periodicals, the new U. S. Special Assistant Attorney General is also a writer in the general press on civic and religious themes.

AUTOGRAPHED COPIES OF BOOK ON EINSTEIN FOR SALE

Personally signed, beautifully bound, and typographically impeccable copies of a limited, special edition of a large volume (boxed) of *Albert Einstein, Philosopher-Scientist*, published by the library of Living Philosophers, Inc., are for sale. The price is twenty-five dollars a copy.

This special limited edition of 750 copies was published with the consent of the great scientist to help defray partially, the enormous costs of a large trade edition of this work. Aside from Professor Einstein, twenty-five other noted scientists are contributors of essays to this book, among them six Nobel Prize Winners. Eleven countries are represented.

If interested in purchasing a copy of this work, please address Dr. Paul Arthur Schilpp, Editor, The Library of Living Philosophers, Inc., Fayerweather Hall, Northwestern University, Evanston, Illinois.

Dead Man's Statute — An Anachronism

By GEORGE M. SCHATZ

Member of our Board of Managers, George M. Schatz was admitted to the Illinois Bar in 1928. Active in the practice of law for nearly two decades, Schatz was appointed in 1947, First Assistant to the Probate Judge, by the late Judge William F. Waugh. He is still serving. Schatz is a frequent lecturer on Probate practice before legal groups and at the John Marshall Law School.

Section 2 of the Illinois Evidence Act, the Dead Man's Statute (Chap. 51, Sec. 2, Par. 2, Ill. Rev. Stats. 1953), is a common law heritage that in substance is a frustrating prohibition law. It is always encountered in the hearing of any contested litigation involving estates of decedents, incompetents and minors. (For convenience, the administrator, executor, heir, legatee or devisee will be described herein as the "estate.") The great bulk of problems precipitated by this statute concern decedent's estates, the sole subject of this article.

Under the common law all surviving parties to a lawsuit were disqualified from testifying in their own behalf because they were interested parties. Because of their interest it was presumed that they could not be trusted to tell the truth. Human nature being what it is, this restriction failed to prevent dishonest litigants from managing to have so-called disinterested "competent" witnesses to testify in behalf of the respective parties. The Dead Man's Statute keeps this notion alive by continuing to postulate that a surviving party, because of his interest, likewise cannot be trusted to testify to the truth. This is an unrealistic and a fallacious approach to an acute human problem.

The Dead Man's Statute is based on a soothing catch phrase that "since the decedent's lips are sealed by death, the survivor's lips are sealed by law." These nice sounding words however have never sealed a survivor's lips when he is dishonest. This statute, which attempts to exclude the evidence of survivors, actually encourages corrupt survivors to produce supposedly disinterested and competent witnesses for glib testimony, at length and in detail, as to what the decedent allegedly admitted to them, and what they saw him do in their presence. Specific dates, locales of all conversations, names and addresses of all other persons present seem always unhesitatingly available. In contrast to this, let us consider the status of an honest and scrupulous survivor-claimant. Very often, because of intimacy with the decedent, the survivor has transacted business with him when only the two of them were present, and no written evidence is available to prove the transaction. We know such transactions often do take place. The honest survivor, prohibited from testifying, will refuse to suborn perjury by producing supposedly disinterested witnesses to prove the so-called admissions of liability made by the

decedent. The honest survivor, who very often has a legitimate and a valid claim, is therefore prevented by this statute from proving it.

Apart from these considerations the Dead Man's Statute, almost a century old since its enactment in 1867, is a most difficult one to understand and construe. It has been reviewed by our Illinois courts of review at least four hundred times, oftener probably than any other statute in the history of our State that has required construction by our courts. It is obvious that any statute that requires such frequent judicial tinkering is inherently defective.

A complete dissertation on the ramifications and implications of the Dead Man's Statute would require a lengthy volume. This paper intends but to point out some of its glaring and confusing defects. To begin with, this statute is poorly and awkwardly worded. The introductory words are misleading. These are: "No party to any civil action, suit or proceeding, or person directly interested in the event thereof, shall be allowed to testify therein of his own motion, or in his own behalf . . . when any adverse party sues or defends . . . as the executor, administrator, heir, legatee or devisee of any deceased person, . . ."

At first glance this language appears to mean, literally, that all the parties representing both the estate, and the parties adverse to the estate, are disqualified from testifying on their own motion. It is well settled, however, that the disqualification prohibits only the surviving party *adverse* to the estate from testifying. The executor, administrator, heir, legatee or devisee of the decedent, that is to say, the "estate," is not so disqualified. The party representing the estate, the courts have held, seeks to *preserve* the estate, whereas the surviving party, adverse to the estate, seeks a different end. Hence, those who seek to preserve the estate are not prohibited from testifying if they are otherwise competent witnesses. This one-sided application of the rule has been firmly established by the Supreme Court of Illinois in the following cases: *Steele vs. Administrator*, 77 Ill. 47 (1875); *Ill. Cent. R. R. vs. Reardon*, 157 Ill. 372, 41 N. E. 871 (1895); *Bailey vs. Robinson*, 244 Ill. 16, 91 N. E. 98 (1910); *Mann vs. Mann*, 270 Ill. 83, 110 N. E. 345 (1915); *Barnes vs. Earle*, 275 Ill. 381, 114 N. E. 168 (1917); *Weiss vs. Becker*, 1 Ill. 2d 420, 115 N. E. 2d 768 (1953). The Appellate Court also decided this point in *Continental Casualty Company vs. Maxwell*, 127 Ill. App. 19 (4th Dist. 1906).

A good rule to follow in applying the Dead Man's Statute is embodied in this test: "Does the adverse witness to the estate have a direct financial interest or stake in the outcome of the suit?" If he has, he is prohibited from testifying. Applying this test in will contest suits, both contesting heirs and the beneficiaries

named in wills are all disqualified from testifying on their own motion. The contesting heir is adverse to the defending legatee or devisee. The defending legatee or devisee is adverse to the contesting heir. (See *Brownlie vs. Brownlie*, 351 Ill. 72, 183 N. E. 613 (1933); 3 *James, Illinois Probate Law and Practice* (1951), Sec. 92.5, p. 214, 215, Notes 21-27.)

In 1935 Section 5 of the Evidence Act of Illinois relating to "husband and wife" was amended so that generally, now, a husband and wife may testify for or against each other (Chap. 51, Sec. 5, Par. 5, Ill. Rev. Stats., 1953.) Notwithstanding this statutory change, the spouse of a surviving party adverse to the estate, because of his close relationship to the survivor, is still disqualified from testifying because of the Dead Man's Statute. The authorities hold that spouses are too closely related, both deemed to be financially interested in the outcome of the suit, and are therefore barred as witnesses under the Dead Man's Statute. (*Heineman vs. Hermann*, 385 Ill. 191, 52 N. E. 2d 263 (1944); *In re Estate of Teehan*, 287 Ill. App. 58, 4 N. E. 2d 513 (1936); *Hann vs. Brooks*, 331 Ill. App. 535, 73 N. E. 2d 624 (1947).)

The weight of authority supports the logical rule that children of surviving parties adverse to the estate are permitted to testify since they do not have a direct pecuniary interest in the result of the suits of their parents. The weight and credibility of their testimony are for the court or jury to decide. (*Boyd vs. Boyd*, 163 Ill. 611, 45 N. E. 118 (1896); *Hughes vs. Mendendorp*, 294 Ill. App. 424, 13 N. E. 2d 840 (3rd Dist. 1938); and *Williams vs. Garvin*, 389 Ill. 169, 58 N. E. 2d 870 (1945).)

However, the Supreme Court of Illinois, in *Campbell vs. Campbell*, 368 Ill. 202, 13 N. E. 2d 265 (1938) and in *Borman vs. Oetzell*, 382 Ill. 110, 46 N. E. 2d 914 (1943) held that children of surviving parties adverse to the estate are barred from testifying in behalf of their parents. These last two cases do not give any reasons for their decisions on this point. The late Justice Clyde Stone of the Supreme Court of Illinois wrote the opinions in *Borman vs. Oetzell* and *Williams vs. Garvin*. His opinions contradict each other.

Justice Stone made no reference whatever to his earlier contrary finding in his later opinion in *Williams vs. Garvin*. Since *Williams vs. Garvin* is the latest opinion of the Supreme Court on this question, it is consistent, I believe, with the more logical rule and weight of authority that permits a child of a surviving adverse party to testify.

There are hearings frequently in the Probate Court on petitions of claimants to establish title to personal property in the possession of the administrator or executor of a decedent's estate. In these hearings the claimant who is adverse to the estate is prohibited from testifying in his own behalf. The Appellate Court of Illinois in *Kernott vs. Behnke*, 311 Ill. App. 389, 36 N. E. 2d 575 (1st Dist. 1941), has devised a method of circumventing the Dead Man's Statute so that the surviving claimant of title to personal property can testify in his own behalf. All that the claimant has to do is sue the administrator or executor *individually* in an action of replevin or trover. The administrator or

executor is charged with improperly withholding possession of personal property from the claimant, and because he is wrongfully doing so, he, the administrator or executor, is liable personally to the claimant for possession of the property, or its value, regardless of the good faith of the executor or administrator.

When we reverse the situation and consider citations for the discovery of assets, heard in the Probate Court on proceedings initiated by the estate against a respondent, we find some unusual and inconsistent situations. The Appellate Court in *In re Estate of Halaska*, 307 Ill. App. 176, 30 N. E. 2d 119 (1st Dist. 1940), and in *Storr vs. Storr*, 329 Ill. App. 537, 69 N. E. 2d 916 (2nd Dist. 1946), held that under Section 185 of the Probate Act, the respondent in a citation may, in the discretion of the court, testify as the court's witness. A more recent decision of the Appellate Court in *Johnson vs. Mueller*, 346 Ill. App. 199, 104 N. E. 2d 651 (4th Dist. 1952), upheld the ruling of the trial court in a citation hearing, where the judge in the exercise of his discretion, refused to permit the respondent to testify in his own behalf. There is nothing in the statute or in the decisions which affords any standard or guide to the court in exercising its discretion in permitting or refusing to permit a respondent to testify.

The situation becomes even more confusing when we find that the Supreme Court of Illinois has held flatly that in a plenary suit in trover instituted by an estate, the defendant is prohibited from testifying in his own behalf. Here we have three different rulings on the same precise question, namely, the right of a claimant to title to personal property to testify in his own behalf, and yet all three situations arise out of an identical set of facts. Corrective legal surgery seems inevitable.

Prior to June 9, 1953, a perplexing dilemma among lawyers was—whether or not to take the pre-trial discovery depositions of claimants against estates. The question was, would the taking of a pre-trial discovery deposition of a claimant constitute a waiver of the Dead Man's Statute? On June 9, 1953, the Appellate Court for the First District of Illinois in *Pink vs. Dempsey*, 350 Ill. App. 405, 113 N. E. 334 (1st Dist.), held flatly that when the estate takes the pre-trial discovery deposition of a claimant, there is no waiver of any kind of the Dead Man's Statute. Leave to appeal was denied by the Supreme Court of Illinois.

In that case the estate took the pre-trial deposition of a claimant more than a year before the actual trial. The claimant was examined minutely on every phase of her claim. At the trial the estate produced witnesses who contradicted by dates and events every occurrence and fact stated by the claimant in her prior deposition. The Appellate Court held, in effect, that the estate, having extracted valuable information from the claimant in advance of trial, could introduce evidence of witnesses to oppose the claimant's information and yet continue to prohibit the claimant from testifying in her own behalf. This seems grossly unfair. After the estate is enabled to meet the facts obtained by the prior pre-trial discovery deposition, the claimant

should be permitted to testify and have a court or jury pass on the credibility of all the conflicting evidence. I am of the opinion that when the Supreme Court of Illinois passes squarely on this question in a case stronger on the facts, the Supreme Court may not decide this question in the manner it was decided by the Appellate Court.

You will recall that in 1936 the Appellate Court of Illinois for the First District, held that renters of a safe deposit vault box could enter into a valid joint tenancy agreement as to the contents of the box. (*In re Estate of Koester*, 286 Ill. App. 113, 3 N. E. 2d 102 (1936)). Leave to appeal was denied by the Supreme Court in that case. Thirteen years later the Supreme Court of Illinois in *In re Estate of Wilson*, 404 Ill. 207, 88 N. E. 2d 662 (1949), held flatly that joint tenancy agreements with right of survivorship as to the contents of a safe deposit vault box are invalid.

A number of states have either abolished or modified the Dead Man's Statute. In those states there have not been any notable increases of fraudulent claims by survivors against estates.

Lawyers, creatures of habit, have resisted the proposal that the Dead Man's Statute be abolished in Illinois. From my experience in hearing hundreds of litigated matters during the past six years as First Assistant to the Judge of the Probate Court of Cook County, Illinois, I am of the opinion that the Dead Man's Statute encourages more fraud than it prevents, and that it severely penalizes the honest survivor.

If the Dead Man's Statute is repealed and a survivor is permitted to testify against the estate, the procedure does not mean that his testimony is to be taken at its face value. He has the proverbial two strikes against him.

The courts have held time and time again that claims against decedent's estates are scrutinized with care and require clear and convincing proof (34 C. J. S. "Executors and Administrators," Sec. 786, p. 875, Note 85, *Moreen vs. Carlson's Estate*, 365 Ill. 482, 6 N. E. 2d 963 (1937)).

Claims against decedents' estates are not necessarily established merely because no testimony is offered to contradict the evidence adduced in their support. (34 C. J. S. "Executors and Administrators," Sec. 786, p. 875, Note 87, and cases cited).

Even if a survivor should be permitted to testify he could make little headway unless he would be corroborated by other proof. Our courts have held repeatedly that "courts lend a very unwilling ear to statements by interested persons about what dead men have said." (*Goodman vs. McLennan*, 334 Ill. App. 405, 80 N. E. 2d 396 (1948); *Keshner vs. Keshner*, 376 Ill. 354, 33 N. E. 2d 877 (1941)).

These so-called admissions of a decedent are the weakest kind of evidence. It is important to repeat that the vital element in suits against an estate is the type, character and extent of corroboration that supports the survivor's claim. Cross examination and the effective use of the discovery procedure under the Civil Practice Act of Illinois are still valuable tools to defend estates against claims of survivors.

Invitation to Decalogue Social Hour

Another innovation in our Society was initiated on December 3, at our headquarters at 180 West Washington Street with "The Decalogue Social Hour." Tea and refreshments are served free to members on the 1st and 3rd Thursdays of each month, from 4 to 5 p.m. This provides a pleasant pause for companionship in a congenial atmosphere of fellow lawyers.

Bernard H. Sokol, chairman of the Decalogue Planning Committee and our second vice-president who suggested the idea of the "social hour," and who personally officiates and sometimes pours the tea, is enthusiastic about its prospects for membership good. The sessions afford a convenient opportunity for open discussions and as a means for relaxation it should soon grow into a most stimulating phase of Decalogue fellowship.

Many leading legal scholars are unanimous in their condemnation of the Dead Man's Statute. Dean Wigmore, Professor Edmund M. Morgan of the Harvard Law School, and Henry W. Taft, an eminent counselor of the New York City Bar, and others, have vigorously advocated the outright repeal of the Dead Man's Statute. The model code of evidence prepared by the American Law Institute does not contain a Dead Man's Statute and permits survivors to testify against estates.

Dean Wigmore condemned these Dead Man's Statutes with characteristic vigor. He said:

"As a matter of policy, this survival of a part of the now discarded interest-disqualification is deplorable in every respect; for it is based on a fallacious and exploded principle, it leads to as much or more false decision than it prevents, and it encumbers the profession with a profuse mass of barren quibbles over the interpretation of mere words." (2 Wigmore, Evidence 3d ed. (1940) 697, Sec. 578).

In *McCormick Tomorrow's Law of Evidence*, (1938) 24 A. B. A. J. 511, he states:

"The phrase ('where one man's lips are closed by death, the other's must be closed by law') has a specious equity which conceals a baneful potency for injustice. It is a sin against the living when, in the name of solitude for the dead, the law permits one set of living folks to cut off another's claim without a fair hearing."

I believe that a valuable public service will be rendered to the people if our Legislature will see fit to correct the inequities, inequalities and confusion caused by the Dead Man's Statute. This, in my opinion, can best be accomplished by its outright repeal.

Decalogue Members —Civic Leaders

Paul G. Annes, President of The Decalogue Society of Lawyers, is a former president of the City Club of Chicago, and chairman of its Jubilee Fund.

In the following article another member of our Society discusses the significance of an important institution in which he takes an active part. Already published in the previous issues of THE DECALOGUE JOURNAL were contributions by our members dealing with *The American Jewish Congress, Jewish War Veterans of America, The Jewish Labor Committee, The Hebrew Immigrant Aid Society, The Board of Jewish Education, and B'nai B'rith.*

The City Club of Chicago is completing its fiftieth year of service, carrying out the original purpose of the Club

"... to bring together . . . those men, of whom Chicago has so many, who sincerely desire to meet the full measure of their responsibility as citizens, who are genuinely interested in the improvement, by non-partisan and disinterested methods, of the political, social, and economic conditions of the community in which we live."

Throughout the half century of its existence The City Club has been recognized, always as a leader and often as the initiator, for its outstanding services for a better community for all. It has succeeded all these years in attracting "voluntary citizens" to do this work on the basis of an informed opinion and of civic enlightenment.

Currently the City Club is observing its Jubilee Celebration. It can rightly claim many significant achievements which have contributed to make of metropolitan Chicago a better place to live in. The following are some of its accomplishments:

Initiated in 1918 the movement that resulted in redistricting the wards of the City, a vast improvement at the time. The Club continues its fight to bring ward and other voting districts into adjustment with changing conditions.

Conducted investigation in 1939 of Chicago paving practices and exposed inefficiency and waste of millions of dollars.

Campaigned successfully from 1930 to 1936 for a much needed revision of Chicago's street naming system.

Initiated action which led to codification of Illinois Public Assistance Laws in 1949.

Headed movement for city-manager plan in 1934 and periodically since.

Sponsored creation of Division of Cancer Control in Illinois State Department of Health, 1940.

Sponsored state law requiring prenatal examination for syphilis, enacted 1939.

Secured bus service for LaSalle Street, 1945.

Led in creation of Chicago Recreation Commission, 1934.

In 1925 defeated a series of legislative bills which would have granted perpetual franchises to all public utilities in the state.

Organized the Chicago Regional Planning Association in 1924. Sponsored creation of Citizens Terminal Plan Committee in 1913, which led to building of Union Station.

Chicago Police Department re-organized in 1904 as the result of a survey which attracted nationwide attention.

Sponsored legislation that in 1951 created the Illinois Sex Offender's Commission.

Who have been the men who have done this work throughout the years? They have been of all faiths and races, and have come from all walks in life. They have been business men from the professions and the trades, employers and employed, in private service and with governmental agencies, all giving a little of their time and talent to the general good. The City Club made of their common purpose a common bond; and in return for their efforts has given its members personal satisfaction of a high order. The City Club remains a unique and most useful institution.

RECENT FEDERAL DECISIONS

Bernard H. Sokol second vice-president, addressed our Society at a luncheon January 15, at the Covenant Club, on "Recent Federal Decisions." A summary of Sokol's lecture will appear in a near issue of the Decalogue Journal.

Maynard I. Wishner is chairman of the Decalogue Legal Education Committee under the auspices of which this meeting was arranged.

MIA CULPA

The Editor regrets that lack of space prevents the publication in this issue of member Milton M. Hermann's scholarly article "Recent Developments in the Law of Real Property, Future Interests and Mortgages," a summary of his recent lecture before our Society. The article will appear in the next issue of the *Journal*.

BOOK REVIEWS

Lawyer in Petticoats, by Tiera Farrow.
Vantage Press, Inc. New York. 214 pp. \$3.00.

Reviewed by MATILDA FENBERG

In my youth (the author writes) I was determined to conquer the world and save every one in it, especially women! Maybe I had dreams of becoming a second Abraham Lincoln and freeing women from discriminatory bondage! Always I have been conscious of the fact that throughout my life, an unquenchable fire of ambition, coupled with a desire to be of service, supplied the motive that drove me onward.

The ambition to become a lawyer in spite of ridicule, financial struggles and discouragement which she had endured, was realized when she was graduated from the Kansas City School of Law. It was exactly thirty-one years since Missouri's first woman lawyer had been admitted to practice and Tiera had read about the difficulties a woman had to suffer in trying to gain recognition in her chosen profession. She had never seen a woman lawyer before she became one herself but she had heard from others about the hardships of female practitioners elsewhere.

She dwells vividly and frankly on her ideals and disillusionments throughout the years of trying to gain a foothold in a profession which she had never ceased to love. She started out to help men and women who were in trouble—"not for money." Soon she discovered that she could not pay her rent unless she charged a fee for her work and the book abounds in incidents that illustrate her experiences.

Professional prejudice, public suspicion attached to "lawyers in skirts"—after she had begun practicing in partnership with Miss Anna L. Donahue,—the wariness of the few clients they had, compelled these women to seek jobs outside of the law profession to earn a livelihood. After valiant struggles to make good, the partnership was dissolved. Miss Donahue pursued a secretarial career the rest of her life but Miss Farrow did not give up, even though she had to stop practicing for a while to make her living in some other, more profitable pursuit. Insatiably eager for more education and knowledge she studied constantly.

She glosses over her romantic experiences with men and seems never to have been in love with any of them. She does, however, relate how she had finally married a Latin American widower who was some twenty years her senior. He was a part owner of one of the largest, if not the largest oil well in the

world located in Mexico, where he resided most of the time. She soon found that she had nothing in common with this man and shortly divorced him.

She then enrolled as a student in the University of Illinois. Another of her aspirations was realized when she received a college degree and, in addition, a scholarship in social and political science in Columbia University. Tiera Farrow comments that during these college years she "lost her stiffness and reserve which was replaced by an attitude of naturalness and easy expression."

Upon returning to her beloved practice of law, she set out to establish precedents. She holds many "firsts" among women lawyers, especially in Kansas and Missouri. She was the first woman divorce proctor in the Kansas City Missouri Circuit Court. Appointed to the Municipal Court in that city, she became the first woman judge. Twice she held office as city treasurer. She was the legal aid counselor to the city welfare department for eleven years.

This reviewer is the National chairman of National Association of Women Lawyers presented Miss Farrow with a scroll at their 54th convention in Boston last September, upon which was engraved a resolution honoring her for fifty years of professional accomplishments. She is the chairman of the Legal Aid Committee of that organization.

This reviewer is the National Chairman of the Uniform Divorce Bill which the NAWL is sponsoring.

Defence, Controls, and Inflation. A Conference sponsored by the University of Chicago Law School. Edited by Aaron Director. The University of Chicago Press. 342 pp. \$3.50.

Reviewed by ELMER GERTZ

The appearance of this review after a change in the national administration is somewhat ironical. Certainly the present guardians of our destiny do not believe in controls to the extent that their predecessors did. But despite any peaceful gestures from behind the Iron Curtain, we shall have the problem of defence with us for a long while, and with them the dangers of inflation and, therefore, the demand for controls. The always enterprising University of Chicago Law School has done well to give permanent form to the discussions which took place at a notable conference held by it at White Sulphur Springs on April 5-8, 1951. The issues discussed were the effectiveness of the proposed measures to achieve economic stabilization, and the influence of these alternative measures on public policy, law, and economics. The participants were some of the most dis-

tinguished men in government, business, the professions, men like Thurman W. Arnold, Laird Bell, Benjamin V. Cohen, Garfield V. Cox, Lloyd K. Garrison, Friedrich A. Hayek, Leon Henderson, Meyer Kestnbaum, Dean Edward H. Levi, Eugene Meyer, Beardsley Ruml, Jacob Viner and many others of equal eminence.

All agreed on the need for some form of controls by the government; that the mobilization expenditures should be covered by increased taxation on all levels; that an effort should be made to balance the budget; that there should be no easy-money policy; that the present interest rates should not necessarily be maintained; that priorities should be established when needed to give the government the required resources; that while the emergency might possibly be of short duration, the mobilization program should be projected as for indefinite continuances; that general fiscal and monetary control could be continued indefinitely, but allocations and direct wage and price controls should not; that there should not be a permanent commitment to central planning.

Wide as was this area of general agreement, there was disagreement on other basic issues, such as whether direct controls were needed as supplement to or substitute for the market system. Some would limit such controls to certain limited priorities; some wanted to demonstrate merely governmental responsibility; others had more sweeping objectives in mind—the transfer of resources, the prevention of inflation, even the prevention of inequities.

The unresolved issues related to three important criteria of a mobilization program—efficiency, prevention of inflation, and equity. Questions such as these were asked and, to some extent, and in varying manner, answered: Will the market allocate resources rapidly enough? Does reliance on the market make the procurement cost for the government so high as to call for price controls? Will monetary controls be ineffective because of the existence of large quantities of liquid assets, or because it will require prohibitively high interest rates, or because undue unemployment will result, or because they will not work rapidly enough or as fully as required? And many other questions as well.

This volume should be read by all lawyers and laymen who have a deep concern for the present well-being of the people, and the future integrity of our country. To determine whether free enterprise and republican institutions may survive in the midst of international crises, one must ascertain the answers to the questions asked in this important and provocative volume. We must be grateful to Aaron Director for a particularly good job of editing.

1953 Copyright Problems Analyzed. Commerce Clearing House. 280 pp. \$6.75.

Reviewed by MORTON SCHAEFFER

This book consists of a series of lectures delivered under the auspices of the Copyright Institute of the Federal Bar Association of New York, New Jersey, and Connecticut. It has been arranged and edited by Theodore R. Kupferman, a general attorney for Cinerama Productions, and it is dedicated to the memory of Arthur E. Farmer who devoted a great part of his career to copyright problems. He was a member of the United States Delegation which drafted the Universal Copyright Convention.

This is the second volume of a series on copyright problems. The first, *Seven Copyright Problems Analyzed*, dealt primarily with questions arising as a result of the Copyright Act, such as performer's rights, the law of broadcasting and author's rights. The present publication takes up problems that arose from the broadening of the field of copyright.

Here for the first time we find the forms of contracts as compiled by institutions which seek the protection of authors, composers and artists. As in other fields of law, the subject of copyright is, of course, integrated with other branches of jurisprudence. Accordingly, problems of taxes, unfair trade practice, and fringe cases are discussed in some detail.

The lectures deal with contemporary phases of the Copyright Law as these develop in the creation, use, and dissemination of intellectual property.

The book is recommended not only as a basis for further research, but also, as excellent reading material.

PHILIP R. DAVIS

Member Philip R. Davis debated with Professor Kenneth C. Sears of the University of Chicago at the City Club, December 14, the pros and cons of the proposed Bricker Amendment to the United States Constitution. This amendment would restrict the treaty making powers of the President of the United States. Mr. Davis argued for the proposed amendment.

SERGEANT MARVIN D. MICHAELS

Member Sergeant Marvin D. Michaels, on duty in Korea, won first prize in an essay contest on the meaning of Christmas, conducted by 2nd Division troops. It earned for Michaels a two-day pass to a rest camp in Japan.

An Editor and the Law

A veteran journalist, A. T. Burch, associate editor of the *Chicago Daily News*, was the guest speaker at a Decalogue Forum luncheon December 11, at the Covenant Club. His subject was "Newspapers and the Courts." Mr. Burch drew upon his own and the experiences of other newspapermen to illustrate problems confronting a publication of general circulation. On most American newspapers he said, "there is recognition of public responsibility and obligations of the highest order." "The public," he continued, "is entitled to facts, honestly, ably, and courageously presented and," he stated, "even in the United States where freedom of the press is guaranteed by the First Amendment, clashes between newspapers and the courts are still common."

The following are excerpts from Mr. Burch's extensive and well documented address:

* * *

... Our responsibilities would terrify us except for one thing. In a democracy, everybody 21 years old and older is expected to have wise opinions on all the most important public questions, at least. The newspaper is an extension of the citizen's eyes and ears, and, we hope, a stimulator of his mind and conscience. It is our duty to keep the spotlight on critical areas of government. It is our faith that public business is the public's business.

* * *

... A good deal of public concern has been expressed over the split decisions of the Supreme Court of the United States, on the ground that these divisions tend to undermine confidence both in the law and the courts. The answer, I suppose, is the same that President Eisenhower recently made when questioned at a press conference about the differences of opinion in the defense department regarding the air force budget. "These hard problems," he said, "would not be problems if there were not two sides to them."

* * *

In 1947 the Supreme Court went a long way in further removing the risk of contempt punishment. In a *Corpus Christi, Texas*, case Justice Douglas declared for the majority:

"The law of the contempt is not made for the protection of Judges who may be sensitive to the winds of public opinion. Judges are supposed to be made of fortitude, able to thrive in a hardy climate."

* * *

... So much bloody crime goes unpunished in this country, and notably in Chicago, that the press would be shamefully recreant in its public duty if it stood aside as a passive and silent observer of this awful anarchy.

* * *

The *Chicago Daily News* favored the plan of selection of judges recommended by the Illinois and Chicago Bar Associations. We know that it is virtually impossible for us, with all our facilities for gathering information, to appraise the merits of the 78 judges for whom the people of Chicago are expected to vote. It is still more impractical for us to know the merits of the lawyers who might be equally or better qualified.

* * *

Saul A. Epton, chairman of the Decalogue Forum Committee introduced the guest of honor. President Paul G. Annes presided.

Judge Max Luster Dies

One of the founders of The Decalogue Society of Lawyers, a member of the legal profession whose fifty years of service at the Bar was recently especially noted by the Illinois Bar Association, Judge Max Luster died January 2 at the age of 80.

He was born in New York City and brought to Chicago when a small child. Upon completion of his public and high school studies he attended the Illinois College of Law and was admitted to the bar in this State in 1903. Judge Luster was one of the three co-founders of DePaul University College of Law, formerly known as the Illinois College of Law, his alma mater. A Republican, he was elected a Judge of the Municipal Court in 1924 and served until 1930. Since, he has been associated in the practice of law with his son Julian. Throughout his life the Judge maintained a sustained interest in communal and philanthropic problems in Chicago. He was an ardent Zionist. Though inactive in his advanced years in the affairs of our Society, the Judge maintained throughout an affectionate regard for its role and place in the profession and in the community.

The late jurist is survived by his widow Rose, (nee Lincoln) and his sons Julian, Arthur, Orrin and Mortimer.

APPLICATIONS FOR MEMBERSHIP

(Continued from page 14)

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Albert O. Hoffman
Michael M. Mitchel

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NEW BOOKS

- American Bar Association. Committee on Public Relations. *Public relations manual*. Ed. by R. P. Tinkham. Chicago (1140 N. Dearborn St.), The Author, 1953. \$3.00.
- Berger, Adolf. *Encyclopedic dictionary of Roman law*. Phila., American Philosophical Soc., 1953. 808 p. \$7.00. (Paper \$5.00)
- Chicago University Law School. *Conference on the profession of law and legal education*. Chicago, The Author, 1952. 110 p. \$2.00. (Conference ser., no. 11)
- Ernst, M. L. *So far, so good*. London, Falcon Press, 1953. 180 p. 12s. 6d.
- Farrow, Tiera. *Lawyer in petticoats*. N. Y., Vantage Press, 1953. 214 p. \$3.00. (Autobiography of one of the first women lawyers)
- Fineberg, S. A. *The Rosenberg case: fact and fiction*. N. Y., Oceana, 1953. 160 p. \$2.50.
- Gerhart, E. C. *American liberty and "natural law."* Foreword by Roscoe Pound. Boston, Beacon Press, 1953. 212 p. \$3.00.
- Haas, C. E. *Lawyers I have known and their cases*. Los Angeles (220 West 1st Street), Los Angeles Daily Journal, 1953. 75 p. \$1.50. (Taken from "California Reverie")
- Hawley, L. S. & Potts, R. B. *Counsel for the damned; a biography of George Francis Vanderveer*. Phila., Lippincott, 1953. 320 p. \$3.75.
- Holmes, O. W. & Holmes, O. W., Jr. *Wit and wisdom of Oliver Wendell Holmes; father and son*. Ed. by L. E. Dennon. Boston, Beacon Press, 1953. 130 p. \$3.00.
- Konvitz, M. R. *Civil rights in immigration*. Ithaca, Cornell Univ. Press, 1953. 228 p. \$3.50.
- Kramer, Dale & Karr, Madeline. *Teen-age gangs; introduction by Senator Estes Kefauver*. N. Y., Holt, 1953. 244 p. \$3.00.
- Lorwin, L. L. *International labor movement; history, policies, outlook*. N. Y., Harper, 1953. 366 p. \$5.00.
- Murrah, A. P. *Pre-trial procedure—a statement of its essentials*. Washington, Administrative Office of the United States Courts, 1953. 44 p. Apply.
- Neustatter, W. L. *Psychological disorder and crime*. N. Y., British Book Centre, 1953. 248 p. \$4.75.
- Patch, B. W. *Corporation donations*. Washington, Editorial Research Reports, 1953. 20 p. \$1.00. (\$0.75 to libraries)
- Price, Miles O. & Bitner, Harry. *Effective legal research; a practical manual of law books and their use*. N. Y., Prentice-Hall, 1953. 633 p. \$7.50.
- Roalfe, W. R. *The Libraries of the legal profession*. St. Paul, West, 1953. 471 p. \$6.00. (For the Survey of the Legal Profession)
- Rules for admission to the bar in the United States and territories, 1953; together with a list of law schools*. St. Paul, West, 1953. 310 p. Gratis.

Candidates for Public Office

The following members of our Society are candidates for public office in the primary election in the City of Chicago and in Cook County, April 13, 1954:

For Associate Judgeships of the Municipal Court:

Democratic:

Jay A. Schiller Hyman Feldman
David Lefkovitz Irvin B. Clorfene

Republican:

Victor H. Goulding Robert H. Krasnow
Louis Leider Harold A. Siegan

For the office of Bailiff, Municipal Court:

Republican: S. S. Schiller

For member of the Board of Appeals:

Republican: Eli A. Golan

Candidate for County Commissioner, City of Chicago:

Republican: Nathan N. Eglit

Candidate for County Commissioner, Country Towns:

Democratic: Henry X. Dietch

Candidate for State Senator:

Democratic:

Marshall Korshak, 5th Senatorial District
Robert E. Cherry, 31st Senatorial District

Republican:

William D. Saltiel, 31st Senatorial District

Candidate for State Representative:

Democratic:

Benjamin Nelson, 19th Senatorial District

Candidate for Congress:

Democratic:

Sidney R. Yates, 9th Congressional District

OIL AND ROMANCE

Member Samuel Berke, master in Chancery, Circuit Court, Cook County, addressed the Covenant Club Forum January 12, on the "Romance and Hazards of Oil." For his entertaining and informative talk Berke drew upon his large fund of experience both as legal counselor and a participant in actual oil drilling operations.

He is a past president of the Covenant Club. Member Nathan Schwartz is chairman of the Club Forum Committee.

MRS. FANNIE PERRON

Member Mrs. Fannie Perron is in receipt of a citation from the Government of Israel for outstanding efforts in the recent drive to enlist investors in the purchase of bonds for the industrial development of Israel. Mrs. Perron is a former assistant states attorney, and former attorney for the Illinois Commerce Commission. At present she is on the staff of The Recorder of Deeds, Cook County.

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A Scientist on Einstein's Discoveries

I THINK IT IS HIGHLY APPROPRIATE THAT THE DECALOGUE SOCIETY is honoring Professor Albert Einstein through its Award of Merit for 1953. Albert Einstein of course is universally known for his contributions to the theory of relativity and these establish him as a scientist of unique ability. I should like to point out, however, two other scientific works of Professor Einstein which are less known to the public and which in themselves indicate scientific ability of the highest order.

The first of these is his mathematical studies of the Brownian movement carried out in 1905. When particles of cigarette smoke in the air are looked at under a high powered microscope, they are seen to be in violent and random motion due to the bombardment of the molecules of the air against them. Einstein studied this phenomenon mathematically and showed how to calculate the displacement of one of these smoke particles in the field of the microscope after a certain time had elapsed. When observations were taken by experimental physicists it was shown that Einstein's calculations were correct and that from the observa-

tions, a reliable value of the number of atoms per gram of material could be obtained.

The second example is the result of Professor Einstein's study of the photo-electric effect. In the photo-electric effect, the electrons are ejected from a metal surface when light falls upon the surface. It is found that the electrons suddenly appear as the wave lengths of the light is reduced, that is, there is a certain wave length such that all wave lengths longer than it cannot produce the effect. Einstein saw that this behavior clearly demonstrated the inadequacy of the 19th century theories of light and showed experimental physicists how to calculate the energy of a light quantum from observations of this critical wave length.

Throughout his long life he has demonstrated the most profound insight into the physics of the universe and in addition has shown himself to be, in the breadth and tolerance of his understanding of human beings, a great man.

SAMUEL K. ALLISON
Director, Institute for Nuclear Studies
University of Chicago

... THOSE ALONE MAY BE SERVANTS OF THE LAW WHO LABOR WITH LEARNING,
COURAGE AND DEVOTION TO PRESERVE LIBERTY AND PROMOTE JUSTICE.

—University of Virginia Law School.

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